The Herald of Freedom.

GEO. W. BROWN, Editor.

LAWRENCE, KANSAS.

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TERMS.—$2.00 PER ANNUM, IN ADVANCE

Here shall the Press the People's rights maintain
Unaw'd by party, and unbribed by gain,
Pledged but to Truth, to Liberty and Law,
No Favor sways us, and no Fear shall awe.

To Subscribers.

(X) When the term for which subscribers receiving their papers by mail or at the Post-office is out or nearly so, we convey the intelligence by a cross at the end of their names, like the one at the commencement of this notice. This will give all a fair opportunity to know when their time is up, and serve as an invitation to renew their subscriptions.

☞ Extra copies of the *Herald of Freedom* put up in wrappers for mailing, if desired, can be had at the Office. Price, Five Cents each.

Judge Johnston and the Slave Trade.

The Lawrence *Republican*, in a leading editorial in its issue of Aug. 25th, headed "The Democratic Nominee—His Views on the Slave Trade," says:

From the most reliable source we have it that Johnston, the Administration nominee for Congress, while on his way to Topeka, at Big Springs, openly avowed his belief in the opening of the African slave trade. His pretended reason therefor, was that the multiplication of negroes and slaves would tend to kill out slavery! On his way back from Topeka, at the same place, his attention was again called to the subject by one of his political friends, and he did not deny or abate one whit his former position. All the signs of the times show *unmistakably* that the Democratic tendency is to reopen that nefarious and piratical traffic.

Then the editor proceeds with sundry remarks against the horrors of the slave trade, &c., and concludes that Northern Democrats like Judge JOHNSTON, with "supple knees and limber back-bones," are preparing to accede to this new demand of the slave power, and favor the opening of the foreign slave trade.

Now we don't care how bitterly the *Republican*, or any other journal, assails the Democratic party, as we have no stock in it, and believe it corrupt enough in all conscience, and that it is altogether wrong upon the subject of slavery; but when the charge was made against Judge JOHNSTON, (a former member of the Free State party, and one who had contributed his full share towards making Kansas a Free State,) we felt it was unjust and libellous, and we promptly met the assertion by an unqualified denial, just as we would if any similar false attack had been made upon Mr. Parrott.

In its issue of Sept. 1st, the *Republican* reiterated its charges against Judge JOHNSTON. In the meantime, the Leavenworth *Herald*, speaking authoritatively for Judge JOHNSTON, denied in the most positive terms the allegation, and demanded the proof. The *Republican* of Sept. 15th, came forward with its vaunted "Proof," which it claimed was a clincher, and consisted of the "following documents:"

"At Big Springs, Douglas county, K. T., I heard Judge Johnston, of Leavenworth, say in a general conversation that he was in favor of the opening of the African Slave Trade. He said that it would be the means of getting rid of slavery in the South; that it would flood them with cheap negroes, and disgust the South with slavery. This was said by Judge Johnston when on his way to Topeka, to the Democratic Convention. On his return from Topeka, a man whom I took to be a delegate to the Convention asked him whether he had taken such a position in favor of the Slave Trade. Judge Johnston did not deny that he had taken such a position, and I told him he did on his way up. He did not deny that he said he was in favor of the Slave Trade, neither did he deny but what he was then in favor of it, though I then charged him with it.
JOHN KIESLER.

"John Kiesler, being duly sworn, deposes and says that the matters in the above statement is true.
JOHN KIESLER.

"Subscribed and sworn to before me, this 30th day of August, A. D. 1859.
CALEB S. PRATT,
Clerk Probate Court, Douglas Co., K. T.

BIG SPRINGS, Kansas, August 26, 1859.

"On or about the 16th day of the above month, I was present during part of a conversation between Judge Johnston, the Democratic nominee for delegate to Congress, and Mr. Darling of this place—in the course of which Mr. Darling remarked that he had always been a Democrat, and had usually voted the Democratic ticket, but had of late years become disgusted with the pro-slavery tendencies of that party. In reply to which Mr. Johnston remarked that he was of the opinion that to re-open the African Slave Trade would be the most effectual method of putting a check to or destroying the institution of slavery, in this government. I did not, as Mr. Darling alleges he did, hear him say that he (Johnston) was in *favor* of re-opening the African Slave Trade, though he may have said so before or after I was present.
GEO. E. ROHRBACKER.

"Sworn to and subscribed before me this 27th day of August, 1859.
E. D. LADD,
Justice of Peace, Douglas Co.

BIG SPRINGS.

"MESSRS. EDITORS:—Learning that Judge Johnston had stated to one of our neighbors, on his way to the Topeka Convention, that he was in favor of re-opening the African Slave Trade, I took the opportunity too call his attention to the rep rt when he returned from the Convention, which I did in the presence of a crowd of citizens and Democratic delegates. In his reply he did not deny that he held the above opinion, and it was generally agreed by those who heard him, that he dodged the question. Mr. Darling, who had the conversation alluded to with Judge Johnston, is absent in Missouri, but will probably return soon; when he comes, we will send you his affidavit. Yours,
P. H. TOWNSEND.

Such is the "incontestible proof" which the *Republican* brings forward to sustain its charges against Judge JOHNSTON. It will be borne in mind, at the outset, that these affidavits are *extra-judicial*, not taken in the course of legal proceeding; that the charge of perjury could not be sustained against the persons making them on that account; that they are wholly *ex parte* statements, which the other party had no opportunity to cross-examine. They do not pretend to give the *whole* conversation, and only Kiesler's statement, that in a "general conversation, Johnston said he was in favor of opening the African slave trade, and when on his way back from Topeka," he did not deny that he had made the statement.

Roorback, a significant name truly, says he heard *part* of the conversation referred to by Kiesler, and though he did not hear what Kiesler says he did, and what Darling claimed he said, yet he did hear Mr. Johnston say "he was of the opinion that to re-open the African slave trade *would be the most effectual method of putting a check to or destroying the institution of slavery in this government.*"

It strikes us that *Roorback* has proved too much; that while he has attempted to poison, he has furnished the antidote. His statement, if it amounts to anything, proves that Mr. JOHNSTON is an enemy to slavery, and is ardently desirous of terminating its existence in the shortest way possible.

Townsend, though the *Republican* does prefix the title of *Honorable* to his name, does not even furnish an *extra-judicial* oath that he was telling the truth, standing, probably, upon his dignity, as an ex-member of the Legislature, and stating what he did upon his *Hon*-or. And what is his statement? That "it was generally agreed that he (Johnston) *dodged* the question."

And such is the evidence on which the *Republican* party bases its assaults upon Mr. Johnston, and attempts to prove him guilty of favoring the opening of the African Slave Trade.

Applying every rule of legal evidence to the case, and the testimony amounts to just nothing; on the contrary, every intelligent reader will pronounce it an insignificant *Roorback*, just such as *T. Dwight Thacher* would naturally fulminate. And yet this is the character of the *arguments* brought against Judge JOHNSTON, and upon such statements an attempt is made to defeat his election. There is not a man in Kansas against whom similar affidavits could not be made with impunity; and if *negative* testimony is to prevail, we can prove every crime known to our laws against any individual.

It is difficult to confront *negative* proof with POSITIVE, but in this case, fortunately, we have the statement of Judge PENDRY, who denies as positively as *Mr. Thacher* and his coadjutors affirm, that any such remarks were made.

The following affidavit has been forwarded to us for publication. Like the others, it is extra-judicial, and is worth no more than Kiesler's or the *Roorback*, save this is from a *reliable* citizen of Big Springs, against whom no imputation of dishonesty rests. It shows *how* Mr. JOHNSTON "*dodged*" the question, and proves that he was not in favor of New Englanders monopolizing the slave trade. Why did not Townsend tell us the particulars of this *dodge*, so the public could understand how the thing was done?

Statement of Thomas Goldman:

"I reside in Big Springs, Kansas Territory; I was present when Mr. Johnston stopped here, on his return from the Convention at Topeka; I heard Mr. Townsend ask him if he was in favor of re-opening the African slave trade. Mr. Johnston replied in substance as follows: 'That if the men of Townsend's native place would like to ship negroes to make money, that he would oppose it.' He also said, in the same conversation, that he was a Free State man.
THOMAS GOLDMAN."

"Subscribed and sworn to before me, this 17th day of September, 1859.
JAMES EAGLE, Notary Public."

But we have consumed too much space with this contemptible charge. The programme is to *lie* down everybody in the way of these jay-hawkers, and without even replying to their own calumnious assaults upon their own candidates, they attempt to make the friends of Judge JOHNSTON consume their time in defending him. "A lie well stuck to is as good as the truth," is their motto, and right well do they live up to it. The effect will be, the people who have known Judge JOHNSTON long and well, and against whom even an imputation of wrong was never urged until since his nomination for Congress, will come forward and vindicate his honor, by triumphantly electing him to a seat in that body.

Without Law.

This plea is one of the sheerest humbugs ever urged for a State government. "It is admitted on all hands, that we are practically without law, and we will continue to be so until we have a State government," says the White Cloud *Chief*. Kansas has a revised code of statutes, made by her own Legislature; her sheriffs and prosecuting attorneys are chosen by the people, her jurors are selected from the people, and yet the plea is raised that we are without law. Territorial sovereignty, then, is a farce, and Congress hereafter should provide for the formation of States instead of Territories. Let the people elect their own judges and executive officers, under a State Constitution, and the case will be no better. Lawlessness will ride rampant against State law just as well as against Territorial statutes. The very presses who now point to lawlessness as a reason for a State government, will find that the anarchy which certain Republican leaders have been fomenting, will turn against the State as readily as it now does against the Territorial government, unless that is managed to subserve their own ends. If the patronage of the general government should be thrown, in 1860, into the hands of the Republicans, they would clutch at the "spoils" with eagerness, and not for a moment hesitate to appoint their own favorites as judges and executive Territorial officers. The party as a party still holds to Congressional intervention, and of course would use the whole power and patronage of the government to abolitionize pro-slavery Territories.

What is the use, then, of this hypocritical whining about federal oppression? Why the bosh about the impossibility of executing Territorial laws?

The Indiana School System.

The South Bend (Ind.) *Forum* of Sept. 3d, contains an article in favor of the amendment of the Constitution of that State. Its principal reason, is to amend the uniform educational system, which has been copied into the Wyandott Constitution. It says: "It is a question as to the propriety of local and municipal legislation upon the interests of education, upon the improvements of roads and highways, and with reference to the moral police generally." "The present Constitution, whilst recognizing the principle of educating every child of the State by means of a State fund, virtually prevents all voluntary advancement of the school interests above and beyond the capacity of the least enlightened school district in the State. And so leveling downward, it operates as a most effectual repression of the principle, that property should educate the people."

Just such a system, which the friends of education in Indiana are striving to repudiate, is embodied in the Wyandott Constitution. Are the people willing to peril the interests of their children by its adoption?

☞ Horace Greeley, after examining quartz-crushing in California, concludes that not more than one machine in four is doing a paying business.

High Taxes, to Whom Due.

The Lawrence *Republican* of Sept. 1st pitched the key-note for its satellites, by the cry of "High Taxes the Result of Democratic Misrule." The charge was false, but it was made to gloss over the defects of the Wyandott Constitution.

We find a reply to this charge in the Lecompton *Democrat*, which we condense for our columns. After showing that the last Territorial Legislature adjourned from Lecompton to Lawrence without valid reason, at a cost of $840 for hall rent, $500 extra was voted Messrs. Babcock & Lykins for the use of their hall the previous year, in addition to the amount paid them by the United States. Says the *Democrat*:

None of the present taxes are caused by appropriations made by a Democratic Legislature. Chapter 61, page 344, contains the revenue law for the year 1858, the second section of which provides—

"That the revenue thus raised shall be used exclusively for the payment of appropriations made subsequent to the seventh day of December, 1857, *and no part thereof shall be used to pay any appropriations previously made, or to redeem any warrants issued prior to the first day of January, eighteen hundred and fifty-eight, or for the liquidation of any indebtedness, either in whole or in part, incurred by virtue of any law passed during the first or second sessions of the Legislative Assembly.*"

The act approved February 11, 1859, entitled "An act to provide for funding the indebtedness of the Territory," on page 379 of the laws of 1859, section 12, provides that, "the Territorial debts authorized to be funded by this act are debts due and to become due from the Territory of Kansas, *under the provisions of any law passed subsequent to November first, A. D.* 1857."

At each session, 1858 and 1859, the Republicans had the entire control of the Legislature, and they deliberately and premeditatedly REPUDIATED THE DEBT FOR ORDINARY TERRITORIAL EXPENSES, amounting to only about nineteen thousand dollars.

In the *Democrat* for Sept. 15, we find a detailed statement of the expenses of the Territorial Government for the several years. Douglas county has never paid into the Territorial treasury but two or three hundred dollars, which was paid in the fall of 1855, and Shawnee county less than fifty dollars previous to this date. The heavy taxes in this county have been for other than Territorial purposes, to support other than Democratic officials.

The total Territorial expenditure for 1855 and 1856, over and above the expenses borne by the United States, were $5,030 27.

The total appropriations for 1857 were $20,000, of which $5,500 remain unused, making the total expenses of 1857, $14,500. Adding the expenses of 1855 and 1856, makes $19,530 27. This nineteen thousand and thirty dollars was the whole amount of the Territorial indebtedness when the Legislature passed into the hands of the men who now compose the Republican party, and has since been repudiated by them in the revenue act of 1858, and in the act of 1859, providing for funding the indebtedness of the Territory—hence not one mill of the present taxes or bonds issued for the indebtedness of the Territory is chargeable to Democratic misrule.

The appropriations by the Legislature of 1858 were (Laws of 1858, page 28, chapter 2, section 1):

For the Auditor and Treasurer, each, $1,500; office rent, $200; Librarian and rent of Library, $200; compensation of assessors and collectors of public revenue, $5,000; for expenses of Leavenworth Convention, $20,000; for compensation of Adjutant General, $200; for compensation of Inspector General, $500; for expenses of calling out the militia in Bourbon county, and executing certain work in Johnson county, $2,000; for census of Oxford, in Johnson county, &c., $500; for expenses of Investigation Committee on election frauds, $4,000; for incidental expenses and Probate Court, $500; for contingent expenses, for which appropriations had otherwise been made, $3,000; for Superintendent of public printing, $1,500; for Sup't. of Common Schools, $2,000; for translation of laws, &c., into German, $250; for publishing and printing laws and journals of that session, $5,000; for compensation of Sup't. of public printing, second session, $1,500; for pay of enrolling and engrossing clerks, and for the extra session of 1857, and regular session of 1858, $3,000. On page 30 of same volume there is appropriated for per diem and mileage of members, officers and witnesses of the Board of Commissioners for investigating election frauds, $3,000; on page 31, appropriated for contingent expenses for the extra session of 1857 and session of 1858, $10,000. Making a total of $63,250.

Deducting $8,250, relating to the printing of the laws, saved by Gov. Denver and Sec. Walsh superintending the printing of the laws themselves, it leaves $55,000 as the net appropriation by the Legislature of 1858, for Territorial purposes.

The appropriations for 1859 were $51,450, the prominent items of which are: for the payment of scrip issued by the Leavenworth Convention, and scrip for clerk hire, and contingent expenses of 1858, $15,000; for locating Territorial roads, $20,000; for pay of engrossing and enrolling clerks, &c., and contingent expenses, for session of 1859, $5,000; for codifying commission, $1,250; for Grand Jurors, and witnesses at special term of Circuit Court at Lawrence, $1,500; for additional appropriation for the Board of Commissioners for investigating frauds in 1858, $3,000, making $10,000 appropriated to that committee; for the defense of John Doy, $1,000. The appropriations for the sessions of 1858 and 1859 amount to $106,450.

These large appropriations for clerk hire and contingent legislative expenses certainly cannot be laid to Democratic misrule. Of this fact Phillips was well aware when he dictated his epistle to the Republican party, in favor of an economical administration of the government, the diminution instead of the multiplication of officers, and low taxes.

☞ The heavy frosts in northern Illinois, Wisconsin and Iowa have cut down the corn crop, so that probably not more than one-fourth of the crop anticipated will be realized.

Vote Against the Constitution.

The Republican press of Kansas urge the adoption of the Wyandott Constitution on other grounds than its real merits. We have pointed out serious objections to it as a fundamental law, to which that press has made the rejoinder, "they are lies." We now sum up the reasons why we are compelled to oppose the Constitution as a whole, notwithstanding it has many good features, which we approve.

It involves a radical change in civil and criminal law, Section 10th of the Bill of Rights prohibiting judgment by confession, the examination of parties in equity suits, and the confession of criminals, by the provision that "No man shall be a witness against himself."

It strikes down the prohibition of the passage of *ex post facto* laws, by the Legislature. All who favor *ex post facto* facto laws, or laws retrospective in their operation, will vote for the Constitution.

It does not provide against the passage of laws impairing the obligation of contracts.

It strikes down the provision that "no private property shall be taken for public use without just compensation," by neglecting to insert it in the Bill of Rights. Whoever wishes to indorse the principle that private property may be made public plunder, should vote for the Constitution, while those who cling to the safeguards of the past, that private property shall be protected, and never be taken or used for the advancement of roads or other public improvements, without just compensation, will vote against the Constitution.

It contravenes the Constitution of the United States, in its failure to provide for the grand jury system.

It provides, in Sec. 12, Art. 2, for a useless Senate, which can originate no bills, and must wait the pleasure of the House of Representatives, thus requiring twice as long sessions for the transaction of business as otherwise, and rendering probable the defeat of a large amount of necessary legislation at each session.

It saddles upon the people, a Legislature of one hundred members, when one-half that number would have answered the interests of the State for years to come.

It requires no qualifications of age or residence for the election of State and judicial officers.

It does not confer the right of suffrage in school matters on females, although the Convention and its defenders professed to have conferred that right in Sec. 23 of Art. 2.

It permits the compensation of Supreme and District Judges to be decreased during their respective terms of office, thus rendering the Judiciary dependent on the Legislature, and subject to partizan control. Sec. 13, Art. 3, and Sec. 7. Art. 15.

It prohibits Judges of Supreme and Districts Courts from the practice of "law in any of the courts in the State during their continuance in office." Sec. 13, Art. 3.

It confers upon the Legislature the doubtful power of reducing "the salaries of officers who shall neglect the performance of any legal duty," which power cannot be made operative against any officers but the judicial, thus striking down the independence of the judiciary. Sec. 7, Art. 15.

It provides for the impeachment of all officers under the Constitution for misdemeanors in office, thus making them all subject to a political tribunal. Every sheriff, justice of the peace and constable is liable to impeachment, if a partisan Legislature is in power.

It provides for five Circuit Judges when three would have answered the wants of the people.

It disfranchises the voters of Wilson, Dorn, McGee, Godfrey, and Arapahoe in the choice of Circuit Judges—the constitution excluding those counties from any circuit, till they *by law* are attached, with other new or unorganized counties to the most convenient judicial circuit.

It disfranchises civilized Indians from the exercise of the right of suffrage, now guaranteed them by the Territorial laws.

It bases the right of suffrage on color and sex, in violation of the principle of equal rights, which it claims is the basis of civil government.

Its school system, contained in Art. 6th, is unwise, and will impair the efficacy of common schools. 1st, It provides for a *uniform* system of common schools, thus placing cities on the same level with the most sparsely settled school district, entirely preventing any system of graded schools. 2d, School moneys are to be disbursed in equitable proportions to the number of children in each school district. If the amount raised from the different sources will school the children of the State but one month, it provides for free schools for that length of time only. No local tax can be levied to maintain the school, and if kept up a longer time it will be as in some other States, by the voluntary contribution of the parents.

The State school fund will consist of the proceeds of school lands, the five per centum of the proceeds of public lands sold after the admission of Kansas, and the State school tax. School lands cannot be sold, unless authorized by a vote of the people at a general election, and cannot be leased profitably for years to come—hence for several years nothing can be expected from that source. The interest on the five per centum of the proceeds of public lands, will do but little in the support of schools. Common schools for years to come, must depend on a heavy State tax, if they are maintained for three months on an average over the State. Sec. 4 of the Education article contains an odious clause. It provides that "no school district in which a common school has not been maintained at least three months in each year, shall be entitled to receive any portion of such funds." Provision should have been made for reinvesting the funds so apportioned, for the benefit of each district, thus enabling sparsely settled districts to accumulate a fund for the support of schools therein. But this provision virtually deprives every sparsely settled school district of State aid.

No friend of education can vote for a Constitution containing such an odious Education Article.

It provides that "In the future apportionment of the State, each organized county shall have at least one representative," thus violating the correct principle that representation shall be based according to *population*, and basing it on *square miles*. When the number of organized counties is enlarged to seventy-five, Leavenworth county, with its five thousand voters, is on the same level with the most sparsely settled organized county on the Western border.

It provides for the single district system, so far as Representatives are concerned, but fails to apply the same rule to Senators. A partisan Legislature may retain its power in the Senate by so combining counties in Senatorial districts as to secure that object. It was evidently the intention of the Republicans to obtain, by gerrymandering, the control of the first Legislature, and, by retaining the present fraudulent apportionment or devising one still more unjust, retain the control of the Senate till 1866, at least.

The apportionment clause is fraudulent, designed to throw the first Legislature into the hands of the Republicans, and to enable the spoilsmen of that party to secure the spoils for themselves. The first Legislature will choose United States Senators and dispose of the land grants. Northern Kansas has the control of but twenty-five representatives and nine Senators, when, had not the counties of Jefferson and Jackson been joined to Shawnee, and Wyandott to Douglas, Northern Kansas could have controlled the election of nine more members of the Legislature. Such is the injustice practiced by Southern upon Northern Kansas. Even Mr. Parrott denounces this apportionment as "nothing more or less than a system of fraud." Every vote for the Constitution sustains this fraudulent apportionment.

The Constitution provides for flooding the State with the issue of banks of other States, by Sec. 7, Art. 13, "No banking institution shall issue circulating notes of a less denomination than five dollars." State banks cannot issue notes of their own, and will flood the country with the depreciated currency of foreign banks. It fails to provide that the majority of the stockholders shall be residents of Kansas, putting our currency at the mercy of foreign Shylocks.

The Convention with the results of the financial systems of other States before it, by which State officers are able to make fortunes during their term of office, by loaning State funds, pocketing the interest, and saddling the losses, if any, on the State, placed no safeguards around the State treasury. State treasurers may deposit the State funds with banks or individuals, and pocket the interest on such deposits.

The Constitution is an office-seeker's Constitution, a partisan instrument, designed to confer the spoils of office on party favorites, whatever expense may be entailed upon the people. Of necessity heavy taxes must be the result. The annual cost of the State government over a Territorial government will be about $100,000. The erection of the necessary public buildings, penitentiary, &c., will amount to several hundred thousand dollars, a portion of which, with the interest added, must be raised by tax each year. Schools must be supported by taxation or private subscription mainly, for years to come, under the Constitution entailing upon the people heavy taxes. Such is the financial prospect of an agricultural people, with limited means and "hard times" staring them in the face. If they are not blinded by partizan zeal, they will reject, by an overwhelming vote on the 4th of October, this defective and fraudulent Constitution, which tramples on the rights of man, placing the security and permanence of party power over and above the rights of the common people.

A Game that Two Can Play at.

Lane and his compeers are lusty defenders of the Constitution, but have no love for Mr. Parrott. The Thachers are in raptures over the "freedom-loving instrument," but having put in the hands of the Democracy the most effective weapons against Parrott, they are little disposed to help him to place and power. Mr. Parrot, finding himself sold for the purpose of carrying the Constitution, is returning the compliment by discarding the pet of Thacher, Lane & Co. At Olathe, Aug. 20th, he said, according to the Olathe *Herald*, that "'the Constitution contained a great many, to him, objectionable features, that he did not like the apportionment—that this system of gerrymandering the States for political purposes was nothing more or less than a system of fraud—that the Constitution left the exclusion of free negroes to the Legislature;' that it would be done by the Legislature; that he knew from his relation to the people of Kansas, that the majority of them were in favor of excluding the free negro, and all they would have to do, to effect this desideratum, would be to send men to the Legislature who are known to be in favor of excluding them, and the whole thing would be accomplished to the entire satisfaction of the people. Notwithstanding his many objections, he urged the 'Gudgeons' to vote for it—'because it contained very liberal provisions to change the instrument at any time the people saw proper to do so.'"—"Consistency, thou art a jewel."

He admits the pertinence of the arguments against the Constitution, and then lauds it because it can easily be so amended as to exclude negroes and mulattoes from the State.

☞ "Egypt," as southern Illinois is termed, took the premiums at the late Illinois State Fair, on Horticultural and Pomological products. Peaches were on exhibition measuring *twelve* inches in circumference, and a lot of "Buckingham" apples weighing one pound and a half each.

☞ The latest intelligence from the gold region indicates that the State Constitution has been rejected by a heavy majority. The people of that portion of the territory will claim a participation in the vote on the Wyandott Constitution.

The Tone of the Press on the Proclamations.

The Leavenworth *Register* at first counseled disregard to the proclamation of Acting Governor WALSH. One day's deliberation led it to the conclusion that it was politic for the Boards of Canvassers to make their returns to Gov. Medary and also to Mr. Winchell. We find in the last Atchison *Champion*, an article on the subject which views the matter in a more practical and common sense, and less partisan aspect, than we had anticipated. Mr. Martin pertinently remarks:

These two proclamations, if adhered to without compromise, may very seriously effect the result of the October election. The practical effect will be that those counties which have Democratic Boards of Supervisors will conduct the election in accordance with the Governor's proclamation, and send their returns to him at Lecompton; while the Republican counties will adhere to the provisions of the Proclamation of the Board of Commissioners, and send their returns to the President of the Convention at Topeka. Here, then, will be a conflict of jurisdiction. The Governor may issue his proclamation based upon the returns received from the Democratic counties, declaring the Constitution voted down; while the Board on the other hand, basing their proclamation on the returns from the Republican counties, will declare the Constitution adopted.

His assertion that Gov. Medary "cares nothing for the popular voice—nothing for justice—so that he can have some legal ground to act upon," smacks strongly of the politician. The law of the Legislature, under which the Convention was called, and which the Governor is required under pains and penalties to obey, gave no discretionary power to the Convention or to the Governor to set it aside. Why, then, find fault in such unmeasured terms with the Governor for obeying the laws of the Territory?

In reference to the election of Delegates, Gov. Medary performed his legal duty with the utmost fairness, and even the Lawrence *Republican*, whose especial pet he seemed to be at that time, believed that Gov. Medary would do justice, and insisted that he could not do injustice if he would, so hampered was he by the election law. The same law is still in force, and yet the Republican press are shrieking because he is enforcing the laws of the Territory.

The Convention deliberately took the position, in the case of the Wyandott members, that it could not go beyond the law creating it, and maintained that if it did it would furnish a strong plea for the rejection of the Constitution by Congress. Yet, for partisan purposes, it violated that law, and attempted to put in force the provisions of the new Constitution. This contradiction is so apparent, and so unjustifiable, that Mr. Martin remarks:

The Convention, as we assumed in the case of the Wyandott county representation, in opposition to the opinion of Gov. Medary and the Democratic press throughout the Territory, was not sovereign in its powers—it could not go beyond the law which called it together, either to admit Representatives not embraced in the apportionment, nor to make new regulations respecting the qualifications of voters or the number of canvassing returns. The Constitution is a dead letter, as is every provision contained in it, until it receives the sanction of the people.

He then apologizes for his signature to the proclamation:

We, however, signed the Proclamation in conjunction with President Winchell, over a month ago, under assurances from both Gov. Medary and Secretary Walsh, that either of them would join us in it, and recognize our authority as Commissioners having equal powers with the Governor. This promise was held out until within a few days before the time appointed in which the Proclamation had issued, when Mr. Winchell had it printed and circulated, and shortly thereafter Secretary Walsh issued the other Proclamation.

Those assurances may have been given by Mr. Winchell, but they were not given by Gov. Medary or Sec. Walsh. They could not legally recognize Messrs. Martin and Winchell as "Commissioners having *equal powers* with the Governor." Yet, in the interval, both Mr. Martin and Mr. Winchell had opportunities to know that they had no legal authority for claiming the position of Commissioners. With this altered view of the case, Mr. Martin should have withdrawn his signature, and left Pres. Winchell alone in his effort "to walk in the footsteps of his illustrious predecessor," John Calhoun. It seems that Mr. Winchell, without further consultation with Mr. Martin, had the proclamation, which was founded on a "dead letter," printed and circulated, previous to the issuing of the proclamation by the Governor. This act renders the usurping board liable to ten years' imprisonment in the county jail. It reverses the position of the Republican party here and in Congress, if adhered to, forcing them to stand on the false and corrupt pleas set up for the Lecompton Constitution.

We are not surprised that Mr. Martin should propose a withdrawal of the proclamation to which his signature is attached. It should be done, if for nothing else, to save expense to the counties. We congratulate Mr. Martin on the sober second thought which dictated the following paragraphs:

In view of these facts, and earnestly desiring the admission of Kansas, which we would not put in jeopardy by any act of ours, but two courses remain open for us. The first is to unconditionally withdraw the proclamation we have already issued, and the other to request the County Boards to send duplicate copies of the returns to Gov. Medary at Lecompton, and the Board of Commissioners at Topeka. One of these plans must be adopted, and our own opinion is that the former is preferable.

Whatever is done, must be done quickly. We have no time to lose. If Mr. Winchell agrees with us in the opinion that we had better withdraw the Proclamation of the Board unconditionally, it will be done. But meanwhile we advise the County Boards, if they receive no further instructions, to at least take the precaution of making duplicate returns—one to the Governor, at Lecompton, and the other to the President of the Convention, at Topeka.

☞ Frequently going into the trance state, is reported to be a cause of consumption in spiritual mediums.

☞ The New York Republican Convention, in its lately adopted platform, takes ground for Congressional prohibition of slavery.

Wheat Culture.

An unusual breadth of wheat will be put in the ground this fall, and the reliance of the farmers will be placed upon it as a means of relieving them from debt.—While hoping for the best, it is well to examine whether their anticipations are well founded.

The wheat crop of the West was heralded, shortly after the June frost, as heavy, but now that the grain is thrashed, the yield is found to be small.

The Senior editor of the *Prairie Farmer*, after traveling somewhat extensively through the wheat-growing sections of Illinois, says, from the information gained by observation and inquiry among farmers, he is satisfied the average yield per acre of winter wheat is not more than five to six bushels. The northern portion of Illinois grew but little else than spring wheat this year. Scarcely any winter wheat has been offered in market in that portion. The yield of spring wheat may be judged from the tone of a letter in the N. Y. *Tribune* from Peoria county, Ill. It says:

"After the people of Illinois are all fed for the next twelve months, a sufficiency of seed saved, and the hired help paid, there will not be left one bushel of wheat in this State, to pay merchants of New York old debts, or to buy imported gewgaws for future use. If there is no more ability in other States to buy and pay for the imports of the last nine months than exists in this part of the West, then, most assuredly, financial ruin will overtake many of your importing merchants. A pretty extensive acquaintance with the crops within a circuit of fifty miles around this place, enables me to say with confidence that the average of wheat will not exceed eight bushels to the acre. This is not half the yield anticipated. The price, 45 to 50 cents, does not pay the farmer one per cent. on the outlay.

The *Tribune* adds, "The statement as to the yield is confirmed by a dozen other letters," and that "every account from the West agrees in the statement that although the straw is heavy, the yield of grain is unusually light."

Others, who have traveled through Iowa and Illinois, report the spring wheat crop as light, the best yield not being more than twelve bushels to the acre. The farmers of Kansas, have a soil similar to that of Illinois, which is light, and by the action of the sudden changes of the temperature in winter heaves and throws out the roots of wheat, which freezes and often the whole crop is lost. If the winter is favorable, there is still danger of a failure from rust, or an overgrowth of straw.

The crop this year has not probably averaged more than thirteen bushels to the acre in the northern portions of Kansas. Some farmers find on threshing that the straw is heavy and the yield of grain light. Kansas farmers cannot safely risk too much on the chances of the wheat crop, as a means of paying their debts, unless they can cultivate it at a fair profit. Pork-raising has furnished Illinois farmers a safer crop than wheat culture. It will necessarily become a staple business here.

Can wheat-growing be made profitable in Kansas? This is a point which farmers must determine for themselves, by calculation and experiment. Perhaps the following article from the *Prairie Farmer* on the cost of wheat will aid them:

COST OF WHEAT.—We have the following from Mr. Geo. Pettys. He says: "I saw a statement in your paper that not one farmer in ten knew the cost of grain per bushel, and therefore could not tell how much they must sell for in order to make a living profit. I will give you what it cost me to raise wheat, and I think all may figure on the same rule if they do a day's work in a day. It will vary, of course, in proportion to the bushels grown per acre.

In order to come to a plain plan, we must include as much ground in our estimate as can be cut in one day with a reaper, say—

Fifteen acres, valued at $25 per acre; interest 10 per cent.	$37 50
Plowing, $1 per acre,	15 00
Seed, 1½ bushels per acre, at $1 per bushel,	22 50
Sowing, one day,	1 00
Harrowing, three days,	5 00
Reaping, at 75 cents per acre,	11 25
Seven hands to bind and shock at $1 75 per day, board included,	12 25
Stacking,	4 00
Threshing, at 10 cents per bushel—15 bushels per acre,	22 50
Cleaning and drawing to market,	9 00
	$140 00

Here we have a fraction over 62 cents per bushel. These figures cover board, wear and interest on tools. I consider the straw worth as much to feed as would pay to draw the manure back on the land to keep it in good heart. That is the most paying part if well attended to. Now, farmers, you must be your own judges as to how much over 62 cents per bushel you must sell wheat, in order to pay debts. It will depend on the size of the debt, and how much per cent. you are paying on it. As I am asked every day 'Would you sell your wheat at present prices?' I will give my opinion. I have made up my mind there is not more than two-thirds as much wheat as was thought there would be.—Every man hereabouts is disappointed, and we have letters from different points to the same effect. When our grain buyers recover from the bite they got before harvest, and find how light the crop is, grain will bring a better price. It will not pay us to sell at 50 cents per bushel. Better keep it two years and get $1, than grow two crops at 50 cents. Those that can hold on until it pays cost and profit should do so. Wheat is of good quality and worth holding. If growing wheat does not pay, sow less; grow pigs and corn; seed down, or grow flax for the seed."

We may say in reference to the foregoing, that it does not seem to be the result of a systematic account with fifteen acres of land in wheat. Nothing is said of the cost of composting the manure, or preparing it for the soil. If the straw is worth as much to feed as would pay for drawing the manure back on the land, there could have been but little manure per acre hauled. We discover no charge made for opening surface or underdrains, for rolling, &c. We have no hope that wheat will prove a paying crop so long as the system indicated by the above figures is pursued. And yet it is a fair sample, perhaps, of the manner in which which wheat is cultivated in the West. There must be some unusual cause to create an unusual demand if wheat pays a net profit of ten per cent. to the farmer. It should pay twenty-five per cent.

Legal Notices.

Attorneys, and others, sending in legal notices, are requested to mark on each the number of insertions required.

☞ Wheat in Lee county, Iowa, shows an average of of less than five bushels per acre.

☞ In Breckenridge county, we learn that wheat averages about twenty-five bushels to the acre.

Linn County Democratic Convention.

Pursuant to call of the Chairman of the Central Committee, the delegates to the Democratic County Convention met at the Court House, in Paris, on Thursday, Sept. 15, 1859.

On motion of J. H. Barlow, Judge Farris was chosen temporary Chairman, and B. F. Perkins, Secretary.

On motion, the Chair appointed a committee of three on permanent officers, also a committee on credentials.

The Convention then adjourned for twenty minutes to allow the committees time to report.

The meeting was again called to order by the committee on officers submitting the following report: President, Judge Farris; Vice Presidents, Wm. Snook, Wm. Lambeth and J. C. Noel; Secretary, C. M. Ward, and Isaac Irwin assistant.

The report of the committee on credentials was then received, after which the Convention proceeded to the nomination of a candidate for the Legislature. The names of J. T. Alexander, H. M. Dobbyne and J. H. Barlow were respectively placed in nomination, and the Convention proceeded to take an informal ballot with the following result:

Alexander, 40; Dobbyns, 10; Barlow, 2.

J. T. Alexander, having received a majority of all the votes cast, was declared duly nominated.

On motion of Rufus Burns, B. B. Mitchell was nominated for Sheriff by acclamation.

D. W. Cannon was duly nominated for County Clerk.

There being no objections the following candidates were nominated by acclamation: Probate Judge, John W. Garrett; Register of Deeds, L. E. Napp; Treasurer, S. F. Quinn; Surveyor, Henry Severe; Prosecuting Attorney, B. F. Perkins; School Superintendent, Jno. A. Lefker; Coroner, Jos. Blatt.

On motion, each township was requested to present the names of two persons for delegates to a joint convention to be held at Miami Village, on the 24th inst.

On motion, it was resolved that the Secretary be requested to furnish the proceedings of this meeting for publication to the HERALD OF FREEDOM, Leavenworth *Herald*, and *National Democrat*.

The Convention passed off with entire harmony, and the ticket that was nominated has received a general expression of satisfaction. The Convention fully discharged its duty in giving the party a ticket of honest and competent men.

C. M. WARD, Secretary.

Circular to County Superintendents.

LEAVENWORTH, Sept. 20, 1859.

TO THE COUNTY SUPERINTENDENT—DEAR SIR:—You will see, by referring to the School Law, that it is my duty to make reports to the Legislature of the Territory by the first of January next, and as it is very desirable to have them as full and complete as possible, permit me to recall to your memory the specific items which are required in your report and to suggest that it is very desirable to have it forwarded during the month of October if practicable. I hope you will spare no exertion to have your report complete, that the result of our joint labors may furnish accurate and satisfactory information of the condition of the Common Schools in each district in the Territory up to the present time.

Section 16 of the Act on Common Schools reads as follows:

"It shall be the duty of the county superintendent, between the first and fifteenth days of October, in each year, to make and transmit to the Territorial superintendent a report, in writing, bearing date on the first day of October, in the year of its transmission, stating: First. The whole number of school districts separately set off within the county: Second, The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose: Third, The length of time a school shall have been kept in each of such districts or parts of districts, distinguishing what portion of that time the school has been kept by qualified teachers: Fourth, The amount of public moneys received in each of such districts or parts of districts: Fifth, the number of children taught in each, and the number of children over five and under the age of twenty-one years residing in each: Sixth, The whole amount of moneys received by him or his predecessor in office since the date of the last preceding report: Seventh, The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause: Eighth, The amount of money raised in the district and paid for teachers' wages, in addition to the public money paid therefor; the amount of taxes raised for purchasing school sites, for building, hiring, purchasing, repairing and insuring school houses, for fuel, or for any other purpose allowed by law, in the districts or parts of districts from which reports shall have been received, by him or his predecessor, since the date of the last preceding report, with such other information as the Territorial superintendent may, from time [to time,] require."

I have the honor to remain, yours very truly,
S. W. GREER,
Sup't of Common Schools.

A Magnificent School Fund!

The Lawrence *Republican*, of September 22nd, admits that the school lands will not soon be available. It says, "But that fund is at present totally unproductive, and, must in the nature of things, *remain so for years to come.*" It then points to the five per centum on the sales of public lands, as the means of affording the people relief from heavy school taxes, claiming that $1,250,000 would be paid the first year to the general government, "five per cent of which is $62,500 for our school fund for the very first year." According the Constitution, the *interest* only can be used, which at ten per cent would give in reality but $6,250 for the support of free schools.

A Correction.

In the editorial correspondence of the Leavenworth *Herald*, we find a criticism upon Franklin, which is evidently a mistake. The writer, in going from Lawrence to Palmyra and Paola, passed *Blanton's*, and mistook it for FRANKLIN, which is a creditable inland town, and should not suffer the injustice of having to bear the description of Blanton's.

☞ Republican primary meetings for Territorial nominations will be held in the various precincts, Sept. 29th., at 2 P. M.